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Attorney for Defendants Voorhees Police Department and Lieutenant Louis Bordi

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

GERALDINE ROCK,

Plaintiff(s),

v.

VOORHEES POLICE DEPARTMENT,  
LIEUTENANT LOUIS BORDI and JOHN  
DOES 1-10 (fictitious persons or entities)  
jointly and severally and alternatively,

Defendant(s).

CIVIL ACTION NO. 08-cv-1385

**AMENDED ANSWER AND JURY  
DEMAND OF VOORHEES POLICE  
DEPARTMENT AND LIEUTENANT  
LOUIS BORDI TO PLAINTIFF'S  
COMPLAINT**

The Defendants, Voorhees Police Department and Lieutenant Louis Bordi, by way of Answer to Plaintiff's Complaint, do hereby state as follows:

**FACTS COMMON TO ALL CAUSES OF ACTION**

1. Admitted.
2. Admitted.
3. Defendants admit that plaintiff has been employed by the Voorhees Police Department. As to the remaining allegations of this paragraph, plaintiff is left to her proofs.
4. These answering defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

5. These answering defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

6. Denied.

7. These answering defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Plaintiff's allegations constitute legal conclusions and/or statements of law.

Therefore, no response is tendered thereto. To the extent that any response is required, defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

**COUNT ONE: VIOLATION OF THE NEW JERSEY LAW AGAINST  
DISCRIMINATION, N.J.S.A. 10:5-1, et seq.-DISABILITY DISCRIMINATION**

13. These answering defendants repeat and reiterate the responses to the allegations of Paragraphs 1-12 as if set forth in detail.

14. These answering defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

15. Plaintiff's allegations constitute legal conclusions and/or statements of law. Therefore, no response is tendered thereto. To the extent that any response is required, defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

16. Denied.

17. Plaintiff's allegations constitute legal conclusions and/or statements of law. Therefore, no response is tendered thereto. To the extent that any response is required, defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

18. The Preliminary Notice of Disciplinary Action speaks for itself. Thus no response is made thereto. As to the remaining allegations of this paragraph, plaintiff is left to her proofs.

19. Denied.

20. Denied.

21. Denied.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

WHEREFORE, these answering defendants demand that plaintiff's Complaint be dismissed with prejudice and with costs.

**COUNT TWO: WORKER'S COMPENSATION RETALIATION**

26. These answering defendants repeat and reiterate the responses to the allegations of Paragraphs 1-25 as if set forth in detail.

27. These answering defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

28. Denied.

29. Plaintiff's allegations constitute legal conclusions and/or statements of law. Therefore, no response is tendered thereto. To the extent that any response is required, defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

30. Plaintiff's allegations constitute legal conclusions and/or statements of law. Therefore, no response is tendered thereto. To the extent that any response is required, defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

WHEREFORE, these answering defendants demand that plaintiff's Complaint be dismissed with prejudice and with costs.

**COUNT THREE: VIOLATION OF THE FAMILY AND MEDICAL LEAVE ACT OF  
1993, 29 U.S.C.A. §2601, et al.**

37. These answering defendants repeat and reiterate the responses to the allegations of Paragraphs 1-36 as if set forth in detail.

38. These answering defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

39. These answering defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

40. These answering defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

41. The Preliminary Notice of Disciplinary Action speaks for itself, thus, no response is made thereto. As to the remaining allegations of this paragraph, plaintiff is left to her proofs.

42. Plaintiff is left to her proofs.

43. Denied.

44. Plaintiff is left to her proofs.

45. Plaintiff is left to her proofs.

46. Plaintiff is left to her proofs.

47. These answering defendants are without sufficient knowledge or information to either admit or deny the allegations of this paragraph. Therefore, plaintiff is left to her proofs.

48. Denied.

49. Denied.

50. Denied.

WHEREFORE, these answering defendants demand that plaintiff's Complaint be dismissed with prejudice and with costs.

**COUNT FOUR: JOHN DOES**

51. These answering defendants repeat and reiterate the responses to the allegations of Paragraph 1-50 as if set forth in detail.

52. The allegations of this paragraph do not pertain to these answering defendants. Thus, no response is made thereto.

53. The allegations of this paragraph do not pertain to these answering defendants. Thus, no response is made thereto.

WHEREFORE, these answering defendants demand that plaintiff's Complaint be dismissed with prejudice and with costs.

**SEPARATE DEFENSES**

1. Plaintiff's claim is limited by the doctrine of avoidable consequences.
2. Plaintiff's claim is barred by the doctrine of estoppel.
3. Plaintiff's claim is barred by the applicable statute of limitations.
4. Plaintiff's claim is barred by the doctrine of waiver.
5. Plaintiff's claim is barred as against public policy in this state.
6. Plaintiff's claim is barred under the doctrine of unclean hands.
7. Plaintiff's complaint fails to state a cause of action upon which relief may be granted.
8. The damages alleged were the result of unforeseeable intervening or superseding acts of others independent of Defendants which bars Plaintiff's cause of action.
9. The complaint does not set forth a cause of action for punitive damages.
10. Plaintiff's complaint is barred by the doctrine of collateral estoppel.
11. Plaintiff's complaint is barred by the doctrine of res judicata.
12. In applying the "objectively reasonable" test or the "clearly established law" test, qualified immunity applies to the individual Defendants.
13. Plaintiff has failed to prove malicious intent on the part of the individual Defendants sufficient to defeat a claim of qualified immunity.
14. Plaintiff's claim is barred by the entire controversy doctrine.
15. These answering parties are not obligated to plaintiff in any amount or sum, whatsoever.
16. Plaintiff has not suffered any damages.

17. Plaintiff has failed to mitigate damages.

18. Plaintiff's complaint is barred by the doctrine of accord and satisfaction.

19. The adverse employment actions (if any) taken against plaintiff were legitimate and non-discriminatory.

20. Plaintiff has no right, claim or entitlement to back pay, front pay or compensatory damages.

21. Plaintiff's claim for punitive damages against the defendant public entity is barred under City of Newport v. Fact Concerts, 453 U.S. 247 (1981).

22. Defendant, Voorhees Police Department did not violate the terms and conditions of the Family and Medical Leave Act of 1993, 29 U.S.C.A. §2601, et seq.

**JURY DEMAND**

The defendants, Defendants, Voorhees Police Department and Lieutenant Louis Bordi,  
hereby demand a trial of all issues by jury.

Respectfully submitted,

MADDEN & MADDEN, P.A.

Attorneys for Defendants, Voorhees Police  
Department and Lieutenant Louis Bordi

By: 

Patrick J. Madden, Esquire

Dated: April 10, 2008



**CERTIFICATION PURSUANT TO L. Civ. R. 11.2**

I, PATRICK J. MADDEN, ESQUIRE, counsel for the Defendants, Voorhees Police Department and Lieutenant Louis Bordi, do hereby certify that the matter in controversy is not the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding with the exception of administrative proceedings filed as a result of the allegations of plaintiff.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Respectfully submitted,

MADDEN & MADDEN, P.A.

Attorneys for Defendants, Voorhees Police  
Department and Lieutenant Louis Bordi

By: 

Patrick J. Madden, Esquire

Dated: April 10, 2008